

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

ANGEL L. NAVARRO-FIGUEROA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Civil No. 08-2129 (ADC)

ORDER

Plaintiff, Angel L. Navarro-Figueroa ("plaintiff"), filed a complaint against the Commissioner of Social Security on October 2, 2008, requesting a review of a social security determination. **Docket No. 1.** The case was referred to Magistrate-Judge Marcos E. Lopez (the "Magistrate-Judge") on January 29, 2009. **Docket No. 6.** On July 2, 2009, the Magistrate-Judge issued an order to show cause to plaintiff as to why the case should not be dismissed for failure to comply with court deadlines and orders. **Docket No. 12.** Plaintiff once again failed to comply. On February 9, 2009, the Magistrate-Judge issued a Report and Recommendation ("R & R") which recommended dismissing the complaint. **Docket No. 13.** Objections to the R & R were due by July 24, 2009, but none were filed.

I. Standard of Review for Objections to A Report and Recommendation

A district court may refer pending motions to a magistrate-judge for a report and recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b); L. Civ. R. 72(a). Any party adversely affected by the recommendation issued may file written objections within ten (10) days of being served with the report and recommendation. 28 U.S.C. § 636(b)(1). However, "[a]bsent objection by the plaintiffs, [a] district court ha[s] a right to assume that [a party] agree[s] to the magistrate's recommendation." *Templeman v. Chris Craft Corp.*, 770 F.2d 245, 247 (1st Cir. 1985), *cert. denied*, 474 U.S. 1021 (1985). Accordingly, absent a proper objection, the court need only satisfy itself that there is no plain error in order to accept an unopposed Report and Recommendation. *Pellot-Bermudez v. U.S.*, Civ. No. 04-1702 (DRD), 2006 WL

3007480, *2 (D.P.R. Sept. 22, 2006).

II. Discussion/Conclusion

Upon review of the R & R, the court finds no reason to depart from the Magistrate-Judge's recommendations. More so, up to this date, plaintiff has failed to file petitioner's legal memorandum, to respond to the Court's Order to show cause and further failed to object to the R & R wherein dismissal of the actions is being recommended. Accordingly, the court **ADOPTS** the R & R in full (**Docket No. 13**), thereby **DISMISSING WITH PREJUDICE** plaintiff's complaint (**Docket No. 1**).

SO ORDERED

At San Juan, Puerto Rico, on this 31st day of July, 2009

S/AIDA M. DELGADO-COLÓN
United States District Judge